

**FIFTY-FIRST DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
April 19, 1935.

The Senate met at 10:00 o'clock a. m. pursuant to recess, and was called to order by President Pro Tem. K. M. Regan.

**House Bill No. 408.**

Pending business was H. B. No. 408 with committee substitute.

The committee substitute was adopted.

Senator Pace sent up the following amendment:

Amend committee substitute for H. B. No. 408, page 2, line 57, by striking out the word "Act" and substituting therefor the word "section."

**PACE.**

Read and adopted.

Senator Collie sent up the following amendment:

Amend committee substitute for H. B. No. 408, page 2, by striking out all provisions known as Article 2350 between lines 5 and 48, inclusive, and substituting in lieu thereof the following:

Article 2350. In counties having the following populations, respectively, as shown by the last preceding Federal Census of 1930, the county commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified, said salaries to be paid in equal monthly installments, at least one-half, and not exceeding three-fourths, out of the road and bridge fund and the remainder out of the general fund of the county; said population and salaries applicable thereto being as follows:

1. In counties containing as many as six thousand and one (6,001) and not more than fifteen (15,000) thousand inhabitants, the county commissioners shall receive Twelve Hundred (\$1,200.00) Dollars;

2. In counties containing as many as fifteen thousand and one (15,001) and not more than twenty-five (25,000) thousand inhabitants the county commissioners shall receive Fifteen Hundred (\$1,500.00) Dollars;

3. In counties containing as many as twenty-five thousand and one (25,001) and not more than forty

thousand (40,000) inhabitants, the county commissioners shall receive Twenty-one Hundred (\$2,100.00) Dollars;

4. In counties containing as many as forty thousand and one (40,001) and not more than (75,000) seventy-five thousand inhabitants, the county commissioners shall receive Twenty-four Hundred (\$2,400.00) Dollars;

5. In counties containing as many as seventy-five thousand and one (75,001) and not more than one hundred fifty (150,000) thousand inhabitants, the county commissioners shall receive Twenty-seven Hundred Fifty (\$2,750.00) Dollars;

6. In counties containing in excess of one hundred and fifty (150,000) thousand inhabitants, the county commissioners shall receive Forty-two Hundred (\$4,200.00) Dollars.

In counties having populations of less than six thousand (6,000) inhabitants, each commissioner shall receive Five (\$5.00) Dollars per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his commissioner's precinct, provided in no event shall his total compensation exceed Nine Hundred (\$900.00) Dollars in any one year.

**COLLIE.****Motion to Table.**

Senator DeBerry moved to table the amendment by Senator Collie.

The motion prevailed by viva voce vote.

Senator Duggan sent up the following amendment:

Amend H. B. No. 408, page 2, Section 1, line 17, by striking out the words "Five Million (\$5,000,000.00) Dollars" and inserting in lieu thereof "Four Million, Five Hundred Thousand (\$4,500,000.00) Dollars."

**DUGGAN.**

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend the pending committee substitute for H. B. No. 408 by striking out in line 26, page 2, the figures "\$1,800.00" and inserting in lieu thereof the following:

"\$2,000.00."

**WOODRUFF.**

Read and pending.

Senator Sulak sent up the follow-

ing substitute for Woodruff's amendment:

Amend H. B. No. 408 by striking out in line 26, page 2, the sum \$1,800 and insert in lieu thereof \$1,650.00.

SULAK.

Read.

Motion to Table.

Senator Pace moved to table the substitute amendment.

The motion prevailed by viva voce vote.

Senator Oneal sent up the following substitute for the amendment by Senator Woodruff:

Amend committee substitute for H. B. No. 408 by striking out on page 2 of the printed bill, beginning with line 17 and ending with line 42, inclusive, and inserting in lieu thereof the following:

"\$4,500,001 and less than	
\$10,000,000 not to exceed	\$ 1,200.00
\$10,000,001 and less than	
\$14,000,000 not to exceed	1,600.00
\$14,000,001 and less than	
\$20,000,000 not to exceed	1,800.00
\$20,000,001 and less than	
\$30,000,000 not to exceed	2,000.00
30,000,001 and less than	
\$40,000,000 not to exceed	2,200.00
\$40,000,001 and less than	
\$65,000,000 not to exceed	2,400.00
\$65,000,001 and less than	
\$90,000,000 not to exceed	2,800.00
\$90,000,001 and less than	
\$140,000,000 not to exceed	3,200.00
Over \$140,000,001	\$4,200.00"

ONEAL,  
HOLBROOK,  
POAGE,  
HORNSBY.

Read.

(Above substitute appears as amended by following Rawlings amendment and not as originally sent up.)

Senator Rawlings sent up the following amendment:

Amend Oneal substitute for H. B. No. 408 by striking out last two brackets and inserting in lieu thereof a new bracket to read as follows:  
Over 140,000,000 \$4,200.00

RAWLINGS.

Read and adopted.

H. C. R. No. 92.

Senator Hornsby received unanimous consent to suspend the regular order of business and take up H. C. R. No. 92.

The Chair laid before the Senate H. C. R. No. 92 authorizing the Enrolling Clerk of the House to correct typographical errors in H. B. No. 521.

Senator Hornsby moved that the

Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 92 be taken up and considered at this time.

The motion prevailed by viva voce vote.

H. C. R. No. 92 was adopted unanimously.

H. C. R. No. 93.

Senator Redditt received unanimous consent to suspend the regular order of business to take up H. C. R. No. 93.

The Chair laid before the Senate H. C. R. No. 93, providing for a joint session Tuesday, April 23, 1935, at 1 p. m. for the purpose of hearing the Honorable Martin Dies, member of Congress from Texas, discuss cotton bills now pending in Congress, etc.

Senator Redditt moved that the Senate rule requiring resolutions to

be referred to a committee be suspended, and that H. C. R. No. 93 be taken up and considered at this time.

The motion prevailed by viva voce vote.

H. C. R. No. 93 was adopted unanimously.

#### House Bill No. 408.

The question recurred on the amendment by Senator Oneal as amended by Senator Rawlings.

#### Motion to Table.

Senator Burns moved to table the substitute amendment as amended.

The motion to table prevailed by the following vote:

#### Yeas—16.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Martin.	Small.
Neal.	Stone.
Pace.	Woodruff.

#### Nays—10.

Blackert.	Hornsby.
Collie.	Isbell.
DeBerry.	Oneal.
Duggan.	Poage.
Holbrook.	Sulak.

#### Absent.

Hopkins.	Westerfeld.
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#### Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

#### Motion to Recess.

Senator Holbrook at 12:00 m. moved that the Senate recess until 2:00 p. m.

Motion pending.

#### Motion to Suspend Rule.

Senator Redditt received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for introduction of bills.

The motion prevailed by the following vote:

#### Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

#### Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

#### Senate Bill No. 513.

By Senator Fellbaum:

S. B. No. 513, A bill to be entitled "An Act granting to A. T. Sayers, and as next friend for Leonard Sayers, a minor, of San Antonio, Bexar County, Texas, permission to bring suit against the State of Texas and/or the State Highway Department in the District Court of Bexar County, Texas, for damages sustained to his automobile and for personal injuries to said Leonard Sayers, on account of the negligence of an employee of the State Highway Department; providing for place of venue; providing such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### Senate Bill No. 508.

Senator DeBerry asked unanimous consent to have S. B. No. 508 printed.

Unanimous consent was granted.

#### Senate Bill No. 265.

Senator Hornsby received unanimous consent to have the following amendment printed in the Journal:

#### Amendment No. 1.

Amend S. B. No. 265 by striking out all after the enacting clause and

by inserting in lieu thereof the following, to-wit:

Section 1. The term "transportation agent" as used in this act shall mean any person, firm, partnership, association of persons, or corporation receiving and/or furnishing information concerning transportation by means of motor vehicles; assisting one or more persons to secure transportation by passenger motor vehicle with another person, persons, partnership, firm, association or corporation; assisting in bringing into contractual relations one or more persons or corporation with reference to transportation of persons by passenger motor vehicle. The term "transportation agent" shall include any person, persons, association, firm, partnership or corporation engaged in the business of acting as an intermediary or broker between persons desiring passenger motor transportation, and any person, persons, firm, partnership, association of persons, or corporation desiring to furnish such transportation, whether the last named operate under the name of travel bureau, transportation broker, transportation agent or any other name or designation whatsoever.

Sec. 2. Nothing in this act shall be construed to affect the operation of motor vehicles used as common carriers now regulated by the laws of this state, or of school buses regularly engaged in transporting school children daily to and from the public schools of this state, or to motor vehicles operated exclusively within a municipality, or to the agents regularly engaged or employed by certificated motor bus carriers for the selling of tickets, whether such regularly engaged or employed agents work on a salary or commission basis.

Sec. 3. The Railroad Commission of the State of Texas is hereby vested with power and authority to license and supervise, regulate and control motor transportation agents in all matters affecting the relations between such transportation agents, their customers, and the public.

Sec. 4. It is hereby declared to be unlawful for any motor "transportation agent" as defined in this act to act in such capacity, or hold himself or itself forth to the public as acting in such capacity, until he or it or they shall have first procured a license from the Railroad Commis-

sion of Texas as herein provided, and shall have complied with all the provisions and requirements of this act.

Sec. 5. All transportation agents on the effective date of this act who desire to continue in such business and who shall on the effective date of this act be acting as motor transportation agents, shall have sixty (60) days after such effective date to apply to the Railroad Commission in writing for a license to operate as such under this act, and shall accompany such application with a remittance in the sum of Twenty-five Dollars (\$25.00); and all persons or concerns whatever who shall hereafter wish to become engaged in the business of motor transportation agent shall make application for license and procure same before engaging in such business. Upon the filing of any application, together with the filing fee of Twenty-five Dollars (\$25.00), the Commission shall set a date for the hearing thereon, and shall give at least ten (10) days notice thereof to the officers or owners of any common carriers of passengers by bus operating in the territory in which the applicant wishes to operate and to any other person, persons or concerns who in the opinion of the Commission shall be properly interested in such application; and the common carriers of passengers or other persons are hereby declared to be interested parties, and may offer testimony for or against the issuing of such license. In no event shall any such license be issued until evidence has been adduced before the Railroad Commission showing conclusively that there is a public need and necessity for the issuance of such license. In determining whether such license referred to in the preceding parts of this section shall be issued, the Commission shall, among other things, give reasonable consideration to the financial responsibility and character of the applicant, and shall give due consideration to the effect such transportation may have upon other transportation services being rendered, and shall give consideration to all other pertinent facts. If upon hearing the Commission shall determine that the applicant is a fit and proper person or concern to act as a motor transportation agent, and shall determine that there is a public necessity therefor, then shall the license be issued upon the performance by the applicant of all the re-

quirements of this act, and otherwise not. It is hereby declared that the business of a transportation agent as defined in this act is a business impressed with a public interest, and the evils and irregularities heretofore existing in the business of such transportation agents, including travel bureaus, transportation brokers and the like have been such as to make necessary a public policy of this state to stringently regulate and control such transportation agents so as to protect the health, morals, comfort and well-being of the general public.

Before any such license shall be issued under the terms of this act the applicant for such license shall deliver to the Commission and maintain continuously in force and effect a bond in the sum of Two Thousand Dollars (\$2,000.00) to be executed by the applicant as principal and by a bonding, surety or insurance company authorized by law to operate in this state as surety on such bond in such form as the Railroad Commission may prescribe for the protection, use and benefit of any person or persons who shall suffer loss or damage by reason of any act of negligence or wrongdoing on the part of any such transportation agent, or who shall suffer any loss or damage by reason of the breach of any contract or obligation, express or implied, entered into by any such transportation agent with any prospective passenger or passengers. Said bond shall be payable to the Railroad Commission of Texas, and may be sued on by any person or persons so suffering damage or loss successively until the full amount thereof is exhausted.

Sec. 6. It shall be unlawful for any such transportation agent to sell or offer to sell, directly or indirectly, any motor transportation to any person or persons whatever or to act as a broker or intermediary, directly or indirectly, between any person or persons desiring motor transportation and any person, persons, firm, partnership, association or corporation desiring to furnish such motor transportation unless the person, persons, firm, partnership, association or corporation desiring to furnish such transportation shall then and there have in its, his or their

possession a valid certificate of convenience and necessity duly issued by the Railroad Commission of Texas under the terms of the Motor Bus Law of this state and shall then and there be fully and lawfully authorized to operate as a carriers of passengers for hire in this state, having then and there on file with the Railroad Commission such bonds and insurance policies duly approved by the Railroad Commission of Texas as required by the Motor Bus Law of this state, and as required by the rules and regulations of the Railroad Commission as provided under the terms of said Motor Bus Law.

Sec. 7. In the event that a license be issued pursuant to any application therefor, the filing deposit of Twenty-five Dollars (\$25.00) required to accompany such application shall be turned over to the Railroad Commission to become a part of the Motor Carrier Fund to be used by the Commission in the enforcement of this act; and if such application for license be denied such deposit and filing fee shall nevertheless be retained by the Commission and placed in said Motor Carrier Fund.

Sec. 8. For the purpose of helping to defray the expense of administering this act there shall be levied and collected from each such transportation agent in this state an annual license fee of Twenty-five Dollars (\$25.00) per year in addition to all other fees and taxes, payable on or before September 15th of each calendar year. If the license herein referred to shall be issued after the month of September in any calendar year, the tax or license fee shall be prorated to the remaining portion of the year ending August 31st following, but in no case shall less than one-fifth ( $1/5$ ) of the annual license fee be collected, and said fund shall be placed in and become a part of the Motor Carrier Fund to be used by the Railroad Commission to defray expenses of administering this act.

Sec. 9. The license of every transportation agent authorized to do business in this state shall be conspicuously displayed in the front part of the main office of such motor transportation agent, and each such motor transportation agent shall main-

tain an office, and each day that such license shall not be conspicuously displayed shall constitute a separate offense under the terms of this act, and shall be a sufficient reason in fact and in law for the Railroad Commission to cancel the license of such offender. No license issued under the terms of this act shall authorize the licensee to do business in any place or location save and except that one stipulated in such license; in case any such motor transportation agent should desire to change his, its or their location, notice thereof in writing shall be given to the Railroad Commission for the desire to change location of business, whereupon the Commission may, if it finds that the public necessity and convenience so require, authorize such change and insert in a re-issued form of license the specific name and designation of such new location. No transportation agent whatsoever shall be authorized at any time to operate in more than one different location in this state.

Sec. 10. It shall be the duty of the Railroad Commission to cancel any license issued by it under the terms of this statute when it shall be brought to the attention of such Commission and shall by such Commission be determined after hearing that such transportation agent is not a fit person, firm or concern to operate under such a license, that is to say not such a person, firm, concern or corporation of such character, stability, responsibility and efficiency as to properly and lawfully operate as such a transportation agent. And it shall be the duty of the Railroad Commission of Texas upon notice to such offending transportation agent and upon a hearing after such notice, to cancel any such license granted to any transportation agent, when it appears to the Commission that such transportation agent has violated or failed to comply with any of the terms and provisions of this act or has failed to comply with the terms and provisions of any rules or regulations of the Railroad Commission provided for the governing and regulating of such transportation agents, it being the duty of the Railroad Commission to issue and enforce such rules and regulations as may be necessary for the governing and regulation of such transportation agents so as to protect the persons dealing with them.

Sec. 11. It shall be the duty of

all transportation agents to maintain and keep on file for a period of two years an exact and permanent record of all transactions had by them as such agents, including the name and address of the person or persons transported, the amount of fee collected by such agent, the point of destination, the name of the person, firm, concern or corporation acting as carrier. Such record shall be open at all reasonable times to the inspection of the Railroad Commission, its officers, servants and agents, and said transportation agents shall monthly make a report to the Railroad Commission showing the above required data for the preceding calendar month, such reports to be made on forms prescribed by the Railroad Commission.

Sec. 12. It shall be the duty of the Railroad Commission of Texas to refuse the issuance of a license to any applicant for such a license where it appears to the Commission upon hearing that there is no public need or necessity for the operation of a transportation agency in the place or location, town or city named in such application. The fact that existing agencies and facilities for the sale of motor bus tickets are adequate in any such place, location, town or city shall be sufficient grounds for the Railroad Commission to hold that there is no public need or necessity for the issuance of such license.

Sec. 13. The Commission shall have power to appoint and employ from time to time such experts, assistants and other help as may be required in addition to its present force so as to enable it at all times to properly administer and enforce this act. Such persons and employes of the Commission shall be paid for the service rendered by them such sums as may be fixed and determined by the Railroad Commission, and such salaries shall be paid in monthly installments. Such salaries shall be paid out of the Motor Carrier Fund by the State Treasurer on warrants of the State Comptroller of Public Accounts on order or voucher approved by the Commission or the Chairman thereof. All actual and necessary traveling expenses of the members of the Commission and its employes incurred in the administration and enforcement of this act shall be paid out of said fund in the same manner as salaries for services when such accounts shall

have been itemized and sworn to by the Commission or a member thereof or the employes incurring such expense and approved by the Commission or the chairman thereof. If the amount of total fees collected under the provisions of this act shall not be sufficient during any annual period to pay such salaries, fees or expenses, then the deficit shall be paid by the State Treasurer out of any fund not otherwise appropriated, but in no event shall any deficit in any one calendar month be so paid in excess of Two Thousand Dollars (\$2,000.00). If sufficient funds have accrued to said Motor Carrier Fund for the payment of expenses as provided herein, said expenses shall be paid by the State Treasurer out of funds not otherwise appropriated, and there is hereby appropriated the sum of Two Thousand Five Hundred Dollars (\$2,500.00) or so much thereof as may be necessary to be used by the Commission in the enforcement of this act.

Sec. 14. Any person or persons, firm, association, partnership, corporation or concern whatsoever who shall violate any of the provisions or requirements of this act shall be punished for such misdemeanor by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). The violation of this act on each and every day when such violation occurs shall be considered a separate and distinct offense and shall be punishable as such. It shall be the duty of the state's attorney in any county where any such offense may occur to diligently prosecute the same when it is brought to the attention of the attorney or attorneys that such an offense has been committed.

When it is brought to the attention of the Railroad Commission in any manner that any person, firm, association, corporation or concern is operating as a transportation agent as that term is defined in this act and is operating as such in violation of any provision or provisions of this act, it shall be the duty of the Commission to bring such violation to the attention of the Attorney-General of this State who shall, if upon investigation he finds that such violation of the law has occurred, bring suit in one of the district courts of Travis County, Texas, against such an offender or offenders for an injunction restraining

such offender or offenders and servants, representatives or agents from operating as such motor transportation agent or agents, and this remedy by injunction for the enforcement of this act shall be in addition to, cumulative of, and independent of the punishment by fine elsewhere provided for in this act for the violation of said act.

Nothing in this act, however, shall be construed as affecting or regulating private citizens none of whom holds himself forth as a transportation agent as that term is defined in this act, from entering into purely private agreements whereby such private citizens may agree to bear jointly the expense of a trip or journey in a purely private motor passenger vehicle; it being the intent and purpose of this law to regulate only those persons, firms, partnerships, corporations, associations or concerns who hold themselves forth before the public as transportation agents as that term has heretofore been defined in this act.

Sec. 15. All laws or parts of laws in conflict herewith are hereby repealed, but it is expressly provided that the Motor Bus Law of this state which provides for the issuance of certificates of convenience and necessity for the carriage of passengers by motor vehicles is in no wise repealed, amended or affected by the terms of this act and said motor bus law in all its terms and provisions shall be and remain unimpaired and in full force and effect. Should any section, part or portion of this act be declared unconstitutional, such unconstitutionality of such part or parts shall not affect the validity of the remaining parts of this act.

Sec. 16. The fact that there are many transportation agents as described and defined by the terms of this act who are operating unlawfully in the state of Texas without any regulation whatever, such operation often being contrary to the public health, safety, morals and well-being, and the fact that in many instances such transportation agents or brokers are operating in such manner as to menace and endanger the public health, morals, safety and well-being of the people of this state creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each house be suspended and such rule is hereby suspended, and it is

provided that this act shall take effect and be in force from and after the date of its passage, and it is so enacted.

#### Senate Bill No. 491.

Senator Neal received unanimous consent to suspend the regular order of business and take up out of order S. B. No. 491.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 491, A bill to be entitled "An Act changing the time of holding the terms of the District Court in the 49th Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in counties composing said district, together with jurors heretofore selected, are valid and returnable to the first term of such court, after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect, to the end of their terms; repealing all conflicting laws; fixing the effective date of this Act, and declaring an emergency."

(With committee amendments.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 491 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Collie.
Blackert.	Burns.

Cotten.  
Davis.  
DeBerry.  
Duggan.  
Hill.  
Holbrook.  
Hopkins.  
Hornsby.  
Isbell.  
Martin.  
Neal.  
Oneal.

Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Sulak.  
Westerfeld.  
Woodruff.

Absent—Excused.

Fellbaum.  
Moore.

Van Zandt.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.  
DeBerry.  
Duggan.  
Hill.  
Holbrook.  
Hopkins.  
Hornsby.  
Isbell.  
Martin.

Neal.  
Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Sulak.  
Westerfeld.  
Woodruff.

Absent—Excused.

Fellbaum.  
Moore.

Van Zandt.

#### House Bill No. 408.

Pending business was H. B. No. 408.

Senator Oneal sent up the following for substitute for the Woodruff amendment:

Amend C. S. H. B. No. 408, by striking out on page two of the printed bill, beginning with line 17 and ending with line 42, inclusive, and inserting in lieu thereof the following:

"\$4,500,001 and less than	
\$10,000,000 not to exceed .....	\$1,200.00 each year
\$10,000,001 and less than	
\$14,000,000 not to exceed .....	1,600.00 each year
\$14,000,001 and less than	
\$20,000,000 not to exceed .....	1,800.00 each year
\$20,000,001 and less than	
\$30,000,000 not to exceed .....	2,000.00 each year

\$30,000,001 and less than	
\$40,000,000 not to exceed	2,200.00 each year
\$40,000,001 and less than	
\$65,000,000 not to exceed	2,400.00 each year
\$65,000,001 and less than	
\$90,000,00 not to exceed	2,800.00 each year
\$90,000,001 and less than	
\$140,000,000 not to exceed	3,200.00 each year
Over \$140,000,000	4,200.00 each year"

ONEAL,  
HOLBROOK,  
POAGE,  
HORNSBY.

Read and adopted.

The amendment as substituted was adopted.

Senator Davis sent up the following:

Amend last paragraph in Section 1 by striking out the figures \$5,000,000 and inserting in lieu thereof the the figures \$4,500,000.

DAVIS.

Read and adopted.

Amend caption to confirm to body of bill.

Adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 408 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Oneal.
Burns.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Neal.	Woodruff.

Nays—7.

Blackert.	Sulak.
Collie.	Van Zandt.
DeBerry.	Westerfeld.
Holbrook.	

Absent—Excused.

Fellbaum.	Moore.
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Senate Bill No. 36.

Senator Redditt received unanimous consent to suspend the regular order of business and take up out of regular order S. B. No. 36.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 36, A bill to be entitled "An Act making appropriations for the support, maintenance, operation, and improvement of the State institutions of higher learning for the two fiscal years beginning September 1, 1935, and ending August 31, 1937, prescribing certain restrictions concerning the expenditure of said appropriations, and declaring an emergency."

(With committee substitute.)

Read and pending.

**Recess.**

The Senate, at 12:25 o'clock p. m. recessed until 2:00 o'clock p. m.

**After Recess.**

The Senate met at 2:00 o'clock p. m., and was called to order by President Pro Tem., K. M. Regan.

**Senate Bill No. 506.**

Senator Small asked unanimous consent to withdraw S. B. No. 506 from the committee to which it was referred and from the Senate.

Unanimous consent was granted.

**Senate Bill No. 3.**

Senator Pace asked unanimous

consent to suspend the regular order of business and take up out of order S. B. No. 3.

There was objection.

**Senate Bill No. 36.**

Pending business was S. B. No. 36.

The committee substitute was adopted by viva voce vote.

Senator Redditt sent up the following:

Amend the Committee Substitute for S. B. No. 36 by striking out all of Section 2, after line 44, on page 1 of the bill, and inserting in lieu thereof the following:

	For the Years Ending	
	August 31, 1936	August 31, 1937
Agricultural and Mechanical College of Texas .....	\$ 567,415.00	\$ 567,415.00
Summer School .....	11,980.00	11,980.00
Agricultural and Mechanical College Experiment Station System .....	254,676.00	254,676.00
Agricultural and Mechanical College Extension Service .....	210,977.00	210,977.00
Agricultural and Mechanical College Rodent Control Service .....	10,971.00	10,971.00
Agricultural and Mechanical College Fireman's Training School .....	4,240.00	4,240.00
Agricultural and Mechanical College Forestry Service .....	77,789.00	77,789.00
Prairie View Normal and Industrial College .....	138,278.00	138,278.00
Summer School .....	5,000.00	5,000.00
John Tarleton Agricultural College, Stephenville .....	168,337.00	168,337.00
Summer School .....	7,364.00	7,364.00
Library Assistant .....	972.00	972.00
North Texas Junior Agricultural College, Arlington .....	118,535.00	118,535.00
Summer School .....	3,010.00	3,010.00
University of Texas .....	918,075.00	918,075.00
Summer School .....	49,066.00	49,066.00
University, Extra Murals Division .....	92,100.00	92,100.00
University, Medical Branch, Galveston .....	181,295.00	181,295.00
College of Mines and Metallurgy, El Paso .....	111,689.00	111,689.00
Summer School .....	6,538.00	6,538.00
College of Industrial Arts, Denton .....	275,170.00	275,170.00
Summer School .....	11,245.00	11,245.00
Texas College of Arts and Industries, Kingsville .....	118,934.00	118,934.00
Summer School .....	9,555.00	9,555.00
Texas Technological College, Lubbock .....	332,784.00	332,784.00
Summer School .....	20,685.00	20,685.00
East Texas State Teachers College, Commerce .....	200,544.00	200,544.00
Summer School .....	26,355.00	26,355.00

North Texas State Teachers College, Denton	275,647.00	275,647.00
Summer School	34,366.00	34,366.00
Sam Houston State Teachers College, Huntsville	150,515.00	150,515.00
Summer School	17,651.00	17,651.00
Southwest Texas State Teachers College, San Marcos	169,384.00	169,384.00
Summer School	23,877.00	23,877.00
Stephen F. Austin State Teachers College, Nacogdoches	137,435.00	137,435.00
Summer School	15,177.00	15,177.00
Sul Ross State Teachers College, Alpine	78,234.00	78,234.00
Summer School	10,290.00	10,290.00
West Texas State Teachers College, Canyon	148,335.00	148,335.00
Summer School	14,798.00	14,798.00
To pay taxes for county purposes only on endowment lands set aside to the University of Texas by the State Constitution and the Act of 1883	34,000.00	34,000.00
<b>Total</b>	<b>\$ 5,043,288.00</b>	<b>\$ 5,043,288.00</b>

REDDITT.

Read and adopted.

Senator Hornsby sent up the following amendment to S. B. No. 36:

"In view of the fact that the Institutions of Higher Learning are using the public schools of the cities, where said Institutions are located, as practice laboratories for teacher training; it is further provided that all teachers who hold regular contracts of employment in the public schools of the city or municipality in which a State institution of higher learning is located, and is using said public schools as practice laboratories, shall be exempt from the payment of tuition fees ordinarily charged by such institutions."

HORNSBY.

Read and adopted.

Senator Duggan sent up the following amendment:

Amend S. B. No. 36, page 1, Section 2, line 58, by adding the following:

For State Experimental Station No. 8, at Lubbock, Texas, and Chillumcothe substation 12, for services, materials, and equipment to establish a forest tree nursery in West Texas for the production of planting stock for distribution to farmers at cost for shelterbelt, windbreak, and farmstead plantings, and for necessary research work to determine species of trees best adapted (to be matched by Federal funds under the provisions of the Clarke-McNary Law)

for each year of the biennium for each station, \$2,500.00.

ONEAL.  
DUGGAN.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting nay on the adoption of the amendment by Senator Duggan.

Senator Stone sent up the following amendment:

Amend Committee Substitute for S. B. No. 36, by changing the figures \$576,415 in line 49, page 1, and inserting in lieu thereof \$617,415.00.

STONE.

Read and adopted.

Senator Beck sent up the following:

Amend committee substitute to S. B. No. 36, page 1, line 57, Rodent Control Service, by striking out the figures "\$10,971.00" for each year, and inserting in lieu thereof "\$20,971.00" for each year.

BECK.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "nay" on the amendments by Senator Stone and by Senator Beck.

Senator Rawlings sent up the following:

Amend S. B. No. 36, page 2, by

striking out all of lines 4 and 5, and insert in lieu thereof the following:

"North Texas Junior Agricultural College,  
Arlington .....

For the Years Ending	
August 31, 1936	August 31, 1937
\$ 167,000.00	\$ 167,000.00"

Read and adopted.

RAWLINGS.

Senator Stone sent up the following:

Amend Committee Substitute for S. B. No. 36, by striking out Section 5, lines 50 to 60 inclusive, and inserting in lieu thereof the following:

Sec. 5. Salaries paid to professors, associate professors, assistant profes-

sors, and instructors of the University of Texas of the Medical Branch of the University of Texas and the Agricultural & Mechanical College of Texas at College Station, Texas, from appropriations made herein for said institutions shall be within the limits indicated in this section as follows:

	Minimum Salary for Nine Months	Maximum Salary for Nine Months
Professor .....	\$3,000.00	\$4,500.00
Associate Professor .....	2,250.00	3,450.00
Assistant or Adjunct Professor .....	1,850.00	2,450.00
Instructor .....	1,450.00	2,050.00

STONE.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 36 by striking out the figures \$181,295 in line 10, page 22 and substituting therefor the figures \$210,000.

HOLBROOK.

Read and adopted.

page 3.

STONE.

Read and adopted.

Amend committee substitute to S. B. No. 36, by changing the figures \$138,278, in line 59, page 1, to \$148,278.

STONE.

Read and adopted.

Senator Stone sent up the following:

Amend committee substitute for S. B. No. 36, by striking out the words Agricultural & Mechanical College of Texas, in lines 62 and 63,

Senator Woodruff sent up the following:

Amend S. B. No. 36 by striking out lines 13 and 14, page 2, and inserting in lieu thereof the following:

	For the Years Ending	
	August 31, 1936	August 31, 1937
College of Industrial Arts, Denton .....	\$ 322,000.00	\$ 322,000.00
Summer School .....	16,000.00	16,000.00

Amend Caption and totals to conform.

WOODRUFF.

Read.

Motion to Table.

Senator DeBerry moved to table the amendment by Senator Woodruff.

The motion lost by the following vote:

Yeas—9.

Blackert.  
Collie.  
DeBerry.  
Hill.  
Martin.

Poage.  
Redditt.  
Small.  
Westerfeld.

Nays—14.

Beck.  
Burns.  
Duggan.

Holbrook.  
Hornsby.  
Isbell.

Neal.	Regan.
Oneal.	Shivers.
Pace.	Stone.
Rawlings.	Woodruff.

Absent.

Cotten.	Sulak.
Sanderford.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

The amendment by Senator Woodruff was adopted by a viva voce vote.

Amend C. S. S. B. No. 36 by striking out of line 55, page 1, the figures "\$210,977.00 and \$210,977.00" and inserting in lieu thereof the following:

"\$225,000.00, \$225,000.00."

ONEAL.

Read and adopted.

Senator Neal sent up the following amendments:

#### Amendment No. 1.

Amend Committee Substitute for Senate Bill No. 36 by inserting after the words "College of Industrial Arts," line 64, of page 3, thereof, the words "or Texas College of Arts and Industries"; and strike out the words "The College of Arts and Industries" from lines 9 and 10 on page 4 thereof.

NEAL.

Read and laid on table subject to call.

#### Amendment No. 2.

Amend the Committee Substitute for Senate Bill No. 36 by striking out of line 16 on page 2 thereof, the figures \$118,934.00 in column one and the figures \$118,934.00 in column two and insert in lieu thereof under column one \$130,000.00 and under column two \$130,000.00.

NEAL.

Read and adopted.

#### Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on the adoption of No. 2 amendment by Senator Neal.

Senator Neal withdrew Amendment No. 1.

Senator Duggan sent up the following:

Amend C. S. S. B. No. 36, page 2, line 18, by striking out the figures "\$332,784.00" in both columns and inserting in lieu thereof the figures "\$350,000.00" in both columns.

DUGGAN.

Read and adopted.

Senator Poage sent up the following amendment:

Amend S. B. No. 36 at the end of Section 14 by adding a new subsection to be known as Sub-Section 20; as follows:

Provided further, that none of the foregoing appropriations for salaries shall be paid or warrants therefor issued by the State Comptroller to any employee until the employee shall have filed with the superintendent and/or disbursing officer of such respective institution or agency an affidavit showing his or her marital status, and if married whether or not the spouse and/or any single children residing at home of such employee are also employed by the State Government, and the name of the institution, school, department, appellate court, or other State agency where such spouse or child is employed, together with the name of such spouse or child; the superintendent or disbursing officer of such institution or agency, in addition to the statutory affidavit now required to be attached to all pay rolls, shall also set forth in the pay roll affidavit that all of his employees have made the required affidavits and also set forth the facts of any of said relationship employment as disclosed by said employees' affidavits, together with the name of the institution, school, department, appellate court, or other State agency where such spouse or child is employed, and if such relationship employment does not exist, then said affidavit shall so state; and the superintendent and/or disbursing officer of the institution or agency and the State Comptroller shall not approve for payment or issue warrants or checks for salaries for more than one of the above-mentioned members of any one family, provided, however, this shall not apply where the total salaries do not exceed \$125 per month, so employed in any eleemosynary institution, or

for more than one member of any one family if other of the above-mentioned members of the family are employed by some other eleemosynary institution, school, appellate court, or other agency of the State Government. Affidavits of present employees shall be made by them and filed with the institutional superintendents within ten days before the first day of each fiscal year, and persons thereafter employed shall file such affidavits before they begin work; all of said affidavits shall be preserved by the superintendents for proper inspection for at least two years after their dates; said employees' affidavits shall be conclusive evidence of the superintendent's right to approve the pay rolls, and the pay roll affidavit of the superintendent or disbursing officer shall be conclusive evidence to the State Comptroller of his right to issue the warrants. None of these provisions shall apply to employees whose above-mentioned relatives may be on the State pay roll as highway maintenance laborers, employees on any State contracts where bids were received, and vocational, or other teachers in the public free schools. In the event the Comptroller shall hold up issuance or delivery of any warrant he shall notify the Board of Control of his action, and such warrants shall not be issued or delivered until the matter is definitely settled to the satisfaction of the State Comptroller.

"Provided however, that the above restrictions shall not require the resignation of any member of a faculty of a State supported institution of higher learning, and provided further that it shall not preclude the employment of any son or daughter of any such faculty member upon a part-time basis while a student in any public school."

POAGE,  
WESTERFELD,  
ONEAL,  
WOODRUFF.

Read and adopted.

Senator Collie sent up the following:

Amend C. S. for S. B. No. 36, page 5, after the words "Surety Bonds," in line 34 by adding the following:

"or in lieu of surety bonds, the boards may require the pledging, and said banks are hereby authorized to

pledge with such boards for the purpose of securing such funds, securities of the following kind in an amount equal to the amount of said funds on deposit in said depository bank, as follows: United States bonds; certificates of indebtedness of the United States; bonds of the State of Texas; or all bonds issued by any agency of the Federal Government, which are guaranteed both principal and interest by the Federal Government; obligations and pledges of the University of Texas; or bonds, pledges or other securities issued by the Board of Regents of the University of Texas."

COLLIE.

Read and adopted.

Senator Redditt asked unanimous consent to amend the caption to conform to the body of the bill. Unanimous consent was granted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as amended and passed to engrossment.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Face.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Sulak.
Hopkins.	Van Zandt.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Duggan.
Burns.	Hill.
Cotten.	Holbrook.

Hornsby.	Regan.
Isbell.	Sanderford.
Martin.	Shivers.
Neal.	Small.
Oneal.	Stone.
Pace.	Sulak.
Poage.	Westerfeld.
Rawlings.	Woodruff.
Redditt.	

Nays—3.

Blackert.	DeBerry.
Collie.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

#### Senate Bill No. 3.

Senator DeBerry was recognized and moved to suspend the regular order of business and to take up out of order S. B. No. 3.

Senator Rawlings moved as a substitute that S. B. No. 3 be re-referred to the Committee on Towns and City Corporations.

Senator Rawlings had the floor on discussion of the motion.

#### H. C. R. No. 50.

##### Committee Appointed.

The Chair appointed the following Senators on the committee as authorized in H. C. R. No. 50: Senators Redditt, DeBerry, Pace, Collie and Martin.

#### Senate Bill No. 514.

Senator Regan sent up the following bill:

By Senator Regan:

S. B. No. 514, A bill to be entitled "An Act defining certain words, terms, and phrases as used in the Act; conferring the right of eminent domain on all agencies, bodies and corporations engaged in public works projects; prescribing the procedure for the exercise of the power conferred; declaring the provisions of this Act to be cumulative of other statutes; declaring the Act to be severable; and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### Senate Bill No. 3.

The question recurred on the sub-

stitute motion by Senator Rawlings to re-refer S. B. No. 3.

The Chair stated that the time he had consumed of Senator Rawlings time would be duly noted.

#### Privileged Motion.

Senator Rawlings yielded to Senator Stone for a privileged motion.

#### Motion to Extend Time.

Senator Stone asked unanimous consent that Senator Rawlings' time be extended.

Senator DeBerry objected.

#### Privileged Motion.

Senator Woodruff was recognized for a privileged motion.

#### Motion to Recess.

Senator Woodruff at 3:45 p. m. moved that the Senate recess until 10 o'clock a. m. Saturday.

The motion to recess lost by the following vote:

Yeas—8.

Holbrook.	Sanderford.
Martin.	Stone.
Rawlings.	Sulak.
Regan.	Woodruff.

Nays—14.

Beck.	Hornsby.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Shivers.
Hill.	Westerfeld.

Absent.

Blackert.	Redditt.
Isbell.	Small.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Senator Holbrook moved to recess until 10 o'clock a. m. Tuesday.

The motion to recess lost by the following vote:

Yeas—7.

Burns.	Shivers.
Holbrook.	Stone.
Rawlings.	Sulak.
Sanderford.	

## Nays—14.

Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Regan.
Hill.	Small.
Hornsby.	Westerfeld.
Neal.	Woodruff.

## Absent.

Beck.	Martin.
Blackert.	Redditt.

## Absent—Excused.

Davis.	Isbell.
Fellbaum.	Moore.
Hopkins.	Van Zandt.

## Motion to Adjourn.

Senator Martin moved that the Senate adjourn until 10 o'clock a. m. Monday.

The motion lost by the following vote:

## Yeas—6.

Holbrook.	Sanderford.
Martin.	Shivers.
Rawlings.	Stone.

## Nays—16.

Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Regan.
Duggan.	Small.
Hill.	Westerfeld.
Hornsby.	Woodruff.

## Absent.

Beck.	Sulak.
Redditt.	

## Absent—Excused.

Davis.	Isbell.
Fellbaum.	Moore.
Hopkins.	Van Zandt.

Senator Sanderford moved that the Senate adjourn until 10 a. m. Saturday. The motion lost by the following vote:

## Yeas—10.

Duggan.	Sanderford.
Holbrook.	Small.
Martin.	Stone.
Rawlings.	Sulak.
Regan.	Westerfeld.

## Nays—15.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
DeBerry.	Shivers.
Hill.	Woodruff.
Hornsby.	

## Absent—Excused.

Davis.	Isbell.
Fellbaum.	Moore.
Hopkins.	Van Zandt.

## Senate Bill No. 3.

Senator Rawlings had the floor on discussion of his motion.

The Chair informed Senator Rawlings his time had expired.

## Motion to Extend Time.

Senator Stone moved to suspend the rule relating to the time limit for discussing motions and that Senator Rawlings' time be extended indefinitely.

The motion lost having failed to receive the required two-thirds vote.

## Yeas—13.

Holbrook.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Neal.	Sulak.
Rawlings.	Westerfeld.
Regan.	

## Nays—11.

Beck.	Hill.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Woodruff.
DeBerry.	

## Absent.

Duggan.	Redditt.
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## Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Senator Stone moved to suspend the rule relating to the time for discussion of motions and that Senator Rawlings' time be extended 20 minutes.

The motion lost having failed to receive the required two-thirds vote.

## Yeas—16.

Beck.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Rawlings.	Woodruff.

## Nays—9.

Blackert.	Hill.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	

## Absent.

Redditt.

## Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Senator Stone moved to suspend the rule relating to the time for discussion of motions and that Senator Rawlings' time be extended 15 minutes.

The motion lost by the following vote:

## Yeas—15.

Beck.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Rawlings.	Woodruff.
Regan.	

## Nays—9.

Blackert.	Hill.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	

## Present—Not Voting.

Duggan.

## Absent.

Redditt.

## Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

The question recurred on the sub-

stitute motion by Senator Rawlings to re-refer S. B. No. 3.

The motion lost by the following vote:

## Yeas—8.

Holbrook.	Sanderford.
Martin.	Stone.
Rawlings.	Sulak.
Regan.	Westerfeld.

## Nays—15.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Shivers.
Hill.	Small.
Hornsby.	Woodruff.
Isbell.	

## Absent.

Duggan.	Redditt.
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## Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Van Zandt.

## (Pair Recorded.)

Senator Burns (present) who would vote nay, with Senator Davis (absent) who would vote yea.

Senator Martin asked unanimous consent to speak three minutes on Senator DeBerry's motion to take up S. B. No. 3.

Unanimous consent was granted.

The question recurred on Senator DeBerry's motion to suspend the regular order and take up S. B. No. 3.

The motion lost by the following vote:

## Yeas—12.

Beck.	Hill.
Blackert.	Isbell.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Woodruff.

## Nays—12.

Duggan.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Martin.	Stone.
Neal.	Sulak.
Rawlings.	Westerfeld.

## Absent.

Redditt.

**Absent—Excused.**

Davis. Moore.  
Fellbaum. Van Zandt.

**(Pair Recorded.)**

Senator Small (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

**Senate Bill No. 482.**

Senator Duggan moved to suspend the regular order and take up out of order S. B. No. 482.

The motion prevailed by the following vote:

**Yeas—24.**

Beck. Pace.  
Blackert. Poage.  
Burns. Rawlings.  
Cotten. Redditt.  
DeBerry. Regan.  
Duggan. Sanderford.  
Holbrook. Shivers.  
Hornsby. Small.  
Isbell. Stone.  
Martin. Sulak.  
Neal. Westerfeld.  
Oneal. Woodruff.

**Nays—2.**

Collie. Hill.

**Absent—Excused.**

Davis. Moore.  
Fellbaum. Van Zandt.  
Hopkins.

The Chair laid before the Senate on its second reading the following bill:

By Senators Duggan and Beck:

S. B. No. 482, A bill to be entitled "An Act making a certain emergency appropriation out of the General Revenue of the State of Texas to rebuild the barn at the Texas Experimental Station No. 8, located near Lubbock, Texas, to purchase harness and feed, also burned, and declaring an emergency."

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 482 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck. Oneal.  
Blackert. Pace.  
Burns. Poage.  
Collie. Rawlings.  
Cotten. Redditt.  
DeBerry. Regan.  
Duggan. Sanderford.  
Hill. Shivers.  
Holbrook. Small.  
Hornsby. Stone.  
Isbell. Sulak.  
Martin. Westerfeld.  
Neal. Woodruff.

**Absent—Excused.**

Davis. Moore.  
Fellbaum. Van Zandt.  
Hopkins.

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck. Pace.  
Blackert. Poage.  
Burns. Rawlings.  
Collie. Redditt.  
Cotten. Regan.  
DeBerry. Sanderford.  
Duggan. Shivers.  
Holbrook. Small.  
Hornsby. Stone.  
Isbell. Sulak.  
Martin. Westerfeld.  
Neal. Woodruff.  
Oneal.

**Nay—1.**

Hill.

**Absent—Excused.**

Davis. Moore.  
Fellbaum. Van Zandt.  
Hopkins.

**Senate Bill No. 4.**

Senator Woodruff called from the table S. B. No. 4.

By Senators Neal and Westerfeld:

S. B. No. 4, A bill to be entitled "An Act authorizing municipalities, political subdivisions and taxing districts to proceed under the provisions of Federal Bankruptcy Laws enacted for the relief of such municipalities, political subdivisions and taxing districts; and declaring an emergency."

On motion of Senator Woodruff S. B. No. 4 was laid on the table subject to call.

**Privileged Motion.**

Senator Pace was recognized for a privileged motion.

**House Bill No. 408.**

Senator Pace moved that the Senate grant the request of the House for the appointment of a conference committee on H. B. No. 408 to adjust the differences between the two Houses.

The motion prevailed by a viva voce vote.

**Conference Committee Appointed.**

The Chair appointed the following as conferees on the part of the Senate on H. B. No. 408:

Senators Davis, Pace, Burns, Rawlings and Oneal.

**Senate Bill No. 505.**

Senator Hornsby received unanimous consent to suspend the regular order of business and take up out of regular order S. B. No. 505.

The Chair laid before the Senate on its second reading the following bill:

By Senators Hornsby, Holbrook, Hopkins, Sulak, Regan, Woodul, Rawlings, Davis, Duggan, Poage, Woodruff, Van Zandt, Cotten, Neal, Westerfeld, Martin, Sanderford, Redditt, Beck, Hill, Burns, Stone, Small, Shivers, Fellbaum, Blackert.

S. B. No. 505, A bill to be entitled "An Act authorizing the Lower Colorado River Authority to issue bonds not to exceed twenty million dollars (\$20,000,000) in aggregate principal amount, repealing that portion of the Colorado River Authority Act limiting the amount of bonds which may be issued by such district to ten million dollars (\$10,000,000), and all other laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 505 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Read third time and finally passed by the following vote:

**Yeas—23.**

Beck.	Poage.
Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

**Nays—1.**

DeBerry.

**Present—Not Voting.**

Hill.

**Absent—Excused.**

Davis.	Moore.
Fellbaum.	Van Zandt.

**(Pair Recorded.)**

Senator Collie (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

**Motion to Reconsider.**

Senator Duggan moved to reconsider the vote by which S. B. No. 505 was finally passed.

**Motion to Table.**

Senator Hornsby moved to table the motion to reconsider.

The motion to table prevailed by viva voce vote.

### Senate Resolution No. 81.

Senator Beck sent up the following resolution:

Whereas, Vernon A. McGee has been for some months, a United Press correspondent, writing news relating to this Senate,

Whereas, He has been notified of a promotion in that he will be transferred to Baton Rouge, La., where he will be in charge of the United Press Bureau;

Whereas, Mr. McGee has been of valuable service to the Senate and his organization in his work and associations while a correspondent here;

Whereas, The Senate of the Forty-Fourth Legislature regrets that Mr. McGee is leaving as his associations with this body have been most pleasant,

Therefore, Be It Resolved, That this body wishes him success and happiness in his new location and that his associations there be as pleasant as they have been here.

BECK.

Read and adopted.

### House Bill No. 497.

Senator Holbrook received unanimous consent to suspend the regular order of business and moved to take up H. B. No. 497.

The motion prevailed.

The Chair laid before the Senate on its second reading the following bill:

By Mrs. Moore:

H. B. No. 497, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas, for the State Commission for the Blind's Department for the balance of the fiscal year ending August 31, 1935, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 497 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

### Senate Bill No. 497.

Senator Burns asked unanimous consent to suspend the regular order of business and take up out of order S. B. No. 497.

There was objection.

Senator Burns moved to suspend the regular order of business and take up out of order S. B. No. 497.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Hornsby.
Blackert.	Martin.
Burns.	Neal.
Cotten.	Pace.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.

Sanderford.  
Shivers.  
Small.  
Stone.

Sulak.  
Westerfeld.  
Woodruff.

Nays—4.

Collie.  
DeBerry.

Oneal.  
Poage.

Absent—Excused.

Davis.  
Fellbaum.  
Hopkins.

Isbell.  
Moore.  
Van Zandt.

The Chair laid before the Senate on its second reading the following bill:

By Senator Burns:

S. B. No. 497, A bill to be entitled "An Act to provide that the District Attorney of the 12th Judicial District of Texas shall receive the same per diem for not to exceed 15 days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature as he receives now under the provisions of said acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said district attorney while in the performance of his official duties outside of the county of his residence, and declaring an emergency."

Motion to Adjourn.

Senator Rawlings at 5:00 o'clock p. m., moved that the Senate adjourn until 10:00 o'clock a. m., Tuesday.

Motion pending.

Senate Bill No. 497.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 497 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.

DeBerry.  
Duggan.  
Hill.  
Holbrook.  
Hornsby.

Isbell.  
Martin.  
Neal.  
Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.

Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Sulak.  
Westerfeld.  
Woodruff.

Absent—Excused.

Davis.  
Fellbaum.  
Hopkins.

Moore.  
Van Zandt.

Read third time and finally passed by the following vote:

Yeas—17.

Burns.  
Cotten.  
Duggan.  
Hill.  
Holbrook.  
Hornsby.  
Isbell.  
Martin.  
Pace.

Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Westerfeld.

Nays—9.

Beck.  
Blackert.  
Collie.  
DeBerry.  
Neal.

Oneal.  
Poage.  
Sulak.  
Woodruff.

Absent—Excused.

Davis.  
Fellbaum.  
Hopkins.

Moore.  
Van Zandt.

Bills and Resolutions Signed.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their caption had been read, the following bills and resolutions:

S. B. No. 498.	H. C. R. No. 93.
S. B. No. 361.	H. J. R. No. 39.
H. B. No. 589.	H. C. R. No. 65.
H. B. No. 304.	H. C. R. No. 39.
H. B. No. 697.	H. C. R. No. 48.
H. B. No. 392.	H. C. R. No. 51.
H. B. No. 750.	H. C. R. No. 61.
H. B. No. 883.	H. C. R. No. 70.
H. B. No. 257.	H. C. R. No. 77.
H. C. R. No. 92.	H. C. R. No. 78.

Senator Excused.

Senator Moore was excused on account of illness, on motion of Senator Pace.

**Messages From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, April 19, 1935.  
Hon. Ken M. Regan, President Pro  
Tem. of the Senate.

Sir: I am directed by the House to inform the Senate, that the House has passed the following bill and resolutions:

H. B. No. 736, A bill to be entitled "An Act repealing Section 7, Section 14, and Section 29, of House Bill No. 122, Chapter 116, General Laws of the Forty-third Legislature, Regular Session, and inserting new sections known as Section 7, Section 14, and Section 29 therein; amending Section 3, Section 4, Section 5, Section 6, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 18, Section 25, Section 26, and Section 28 of said Act; providing the creation of a Beer Tax Fund and that refunds and stamp redemptions be made from such fund before allocation; providing for issuance of refund warrants with limitation; providing an appropriation for the payment of refunds and stamp redemptions, if such be necessary, etc."

The House has adopted the Conference Committee Report on House Bill No. 257 by a vote of 104 yeas, 11 noes.

H. C. R. No. 92, Authorizing the Enrolling Clerk of the House to correct typographical errors, in H. B. No. 521.

H. C. R. No. 93, Providing for a Joint Session Tuesday, April 23, 1935, at 1 o'clock p. m., for the purpose of hearing the Honorable Martin Dies, member of Congress from Texas, discuss cotton bills now pending in Congress, etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 19, 1935.  
Hon. Ken M. Regan, President Pro  
Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 408, and requests the Senate for the appointment of a Conference Committee to

adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

LEATH,  
RUSSELL,  
BUTLER of Karnes,  
GIBSON,  
JAMES.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Bill Referred.**

H. B. No. 736 was referred to the Committee on State Affairs.

**House Bill No. 294.**

Senator Stone received unanimous consent to suspend the regular order of business and take up out of order.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Frazer:

H. B. No. 294, A bill to be entitled "An Act designating fur bearing animals, declaring them the property of the State, declaring a five (5) year closed season on wild fox in Robertson County; providing a penalty for violation of this Act, and declaring an emergency."

Senator Stone sent up the following amendments:

**Amendment No. 1.**

Amend House Bill No. 294 by adding the following counties: Brazos County, Grimes County and Washington County.

STONE.

Read and adopted.

**Amendment No. 2.**

Amend House Bill No. 294 by changing the caption to conform to the bill.

STONE.

Read and adopted.

The Committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 294 was put on its third reading and final passage by the following vote:

## Yeas—26.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isteli.	Westerfeld.
Martin.	Woodruff.
Neal.	
Oneal.	

## Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

## Motion to Adjourn.

Senator Poage moved that the Senate adjourn until 10 a. m. Saturday.

The motion to adjourn until Tuesday morning lost by the following vote:

## Yeas—11.

Burns.	Redditt.
Cotten.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Stone.
Rawlings.	

## Nays—16.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
DeBerry.	Regan.
Duggan.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

Davis.	Hopkins.
Fellbaum.	Moore.

Senator Martin moved that the Senate adjourn until Monday morning at 10 a. m.

The motion lost by the following vote:

## Yeas—3.

Cotten.	Sanderford.
Martin.	

## Nays—24.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

## Absent—Excused.

Davis.	Hopkins.
Fellbaum.	Moore.

Senator Poage's pending motion to adjourn until Saturday morning lost by viva voce vote.

## Motion to Recess.

Senator Woodruff moved that the Senate recess until Saturday morning at 9:30 o'clock.

The motion lost by the following vote:

**Yeas—8.**

Beck.	Poage.
Duggan.	Sanderford.
Neal.	Sulak.
Oneal.	Woodruff.

**Nays—18.**

Blackert.	Martin.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.

**Absent—Excused.**

Davis.	Moore.
Fellbaum.	Small.
Hopkins.	

Senator Pace moved to recess until 8 o'clock p. m. Senator Pace withdrew his motion to recess.

**House Bill No. 456.**

Senator Pace asked unanimous consent to suspend the regular order of business and take up H. B. No. 456.

There was objection.

Senator Pace moved to suspend the regular order of business and take up H. B. No. 456.

The motion lost by viva voce vote.

**Motion to Recess.**

Senator Redditt moved that the Senate recess until 7:30 a. m. Saturday.

The motion lost by viva voce vote.

**Motion to Adjourn.**

Senator DeBerry made a motion that the Senate adjourn until 9:30 a. m. Saturday.

The motion lost by viva voce vote.

**Motion to Adjourn.**

Senator DeBerry at 5:20 o'clock p. m. moved that the Senate adjourn until 9:45 o'clock a. m. Saturday.

The motion lost by the following vote:

**Yeas—13.**

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Hornsby.

Neal.
Oneal.
Poage.
Regan.

Stone.
Van Zandt.
Woodruff.

**Nays—13.**

Burns.	Rawlings.
Cotten.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Isbell.	Sulak.
Martin.	Westerfeld.
Pace.	

**Absent—Excused.**

Davis.	Moore.
Fellbaum.	Small.
Hopkins.	

**Adjournment.**

Senator DeBerry moved that the Senate adjourn until 9:44 a. m. Saturday. The motion prevailed by the following vote:

**Yeas—15.**

Beck.	Poage.
Blackert.	Regan.
Collie.	Sanderford.
DeBerry.	Stone.
Duggan.	Van Zandt.
Hill.	Westerfeld.
Neal.	Woodruff.
Oneal.	

**Nays—11.**

Burns.	Pace.
Cotten.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Shivers.
Isbell.	Sulak.
Martin.	

**Absent—Excused.**

Davis.	Moore.
Fellbaum.	Small.
Hopkins.	

**APPENDIX.****Committee on Engrossed Bills.****Committee Room,**

Austin, Texas, April 19, 1935.

Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 491 carefully examined and compared and find same carefully engrossed.

DAVIS, Chairman.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, April 18, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 498 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 361 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Commerce and Manufacture, to whom was referred

S. B. No. 368, A bill to be entitled "An Act requiring every person, firm, association, corporation, trust or syndicate engaged or hereafter engaged in the drilling, redrilling or deepening of any oil or gas well to file certain indemnity bonds with the Commissioner of Labor Statistics to secure laborers working on such wells; providing for the filing of a larger bond by such person, firm, association, corporation, trust or syndicate under certain conditions; authorizing suit on such bonds under certain circumstances; fixing the duty of the Attorney General in relation thereto; authorizing Commissioner of Labor Statistics to make certain rules and regulations hereunder; fixing penalties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HILL, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Commerce and Manufacture, to whom was referred

H. B. No. 5, A bill to be entitled "An Act to protect trade mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments:

#### Committee Amendment No. 1.

Amend by adding at the end of the first paragraph of Section 1, the following:

"Provided that no such contract may extend or be in force for a period longer than one year from the date thereof."

#### Committee Amendment No. 2.

Amend by adding a new section to be known as Section 1-A, and to read as follows:

"It shall be a defense to any suit that may be brought under the authority of the foregoing Section for the defendant or any one of the defendants to show that the plaintiff or any one of the plaintiffs have, since the passage of this Act, refused to sell the commodity or any one of the commodities alleged to have been sold at a price in violation of the contract alleged by plaintiff, to any other person, firm or corporation within this State at the same price as is prescribed in the alleged contract."

HILL, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 581, A bill to be entitled "An Act defining the terms or phrases 'Commission,' 'order of the Commission,' 'oil,' 'crude oil,' 'gas,'

'product,' 'unlawful oil,' 'unlawful product,' 'unlawful gas,' 'tender,' 'manifest,' 'person'; prohibiting the transportation by truck or motor vehicle of unlawful oil and unlawful product; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do not pass but pass with the committee substitute in lieu thereof and the committee substitute only be printed in bill form.

PACE, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 928,

Have had same under consideration and report favorably with recommendations that this bill do pass and be not printed.

SANDERFORD,  
HORNSBY,  
HOLBROOK,  
HOPKINS,  
WOODRUFF.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Frank Rawlings, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 510, A bill to be entitled "An Act providing for relief for the Independence Common School District of Henderson and Kaufman Counties, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the fourth day of March, A. D. 1935; providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute attached hereto do pass in lieu thereof and be printed in bill form.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 912, A bill to be entitled "An Act prohibiting taking, killing or possessing wild foxes for the purpose of barter or sale, providing a penalty for the violation thereof, in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 908, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 909, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox, or the pelt thereof in Cherokee County; to prohibit the killing of wild fox in said county; providing penalties; providing that the Act shall remain in effect for two (2) years, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

Game and Fish, to whom was referred

H. B. No. 911, A bill to be entitled "An Act providing that it shall be unlawful to take or kill squirrel in Cherokee County during certain months; providing penalty for the violation thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 834, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Montgomery County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 915, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Montgomery County, except a seine or net of not less than three (3) inch square mesh during certain months; excepting a minnow seine from the provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 615, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot or kill any wild quail of any species, for a period of three (3) years in Ector County, Texas; fixing penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 838, A bill to be entitled "An Act to declare a closed season on the killing of quail and bob whites in Van Zandt and Wood Counties for a period ending January 15, 1937, prescribing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 847, A bill to be entitled "An Act prohibiting the transportation by any one person at any one time of more than one hundred and twenty-five (125) minnows taken from the waters of Falls County, Texas; beyond the borders of such county; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

Game and Fish, to whom was referred

H. B. No. 377, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of six (6) years in the County of Robertson, in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said county, for a period of six (6) years; providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 600, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare or deadfall in Smith County for the purpose of taking any fur-bearing animals for a period of two (2) years; repealing all laws, in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 936, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November and December, or to take more than ten (10) squirrels in one day or to possess more than twenty (20) squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 841, A bill to be entitled "An Act to declare a four (4) year closed season on wild fox in Palo Pinto County and making it unlawful to kill, except as herein provided, take, or for anyone to have in his possession for barter or sale after the passage of this Act any wild fox or the pelts thereof; providing for a penalty for the violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 415, A bill to be entitled "An Act amending Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, by adding a new article to be known as Article 4862c, to provide that all insurance companies, whether specifically named or not, issuing or delivering any form of insurance policy in this State, other than fire, life, tornado, windstorm, hail, workmen's compensation, or automobile insurance policies, shall file with the Commissioner its classification of risks and premium rates or schedules, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with committee amendments.

COLLIE, Chairman.

Amendment No. 1.

Amend S. B. No. 415, Section 2, line 6, of such Section, by inserting after the word "approved" and be-

fore the word "by" the following:  
"for the use of such insurer."

#### Amendment No. 2.

Amend S. B. No. 415 by adding a new section immediately following Section 7 to be known as Section 8, to read as follows:

"Sec. 8. The State of Texas shall assess and collect an additional tax of one-half of one per cent on the gross premiums of all insurance affected by this Act of all insurers writing such insurances in this State, according to the annual reports made to the Commissioner as required by law. Said taxes when collected shall be placed in a separate fund to be known as the Insurance Department Miscellaneous Insurance Fund to be used for the sole and exclusive purpose of the administration of this Act and to be expended on appropriations made by the Legislature in carrying out the provisions of this law. Should there be an unexpended balance at the end of any year, it shall be transferred by the State Treasurer to the credit of the general revenue of this State."

Amend the caption of the bill to conform hereto.

#### Amendment No. 3.

Amend S. B. No. 415, Section 7, by striking out all of said Section 7 as it now occurs and inserting in lieu thereof the following:

"Sec. 7. Nothing in this Act shall be construed to prohibit the modification of any rates by an experience or merit rating plan, filed by it and approved by the Commissioner, designed to encourage the prevention and/or reduction of losses and to take account of the peculiar hazards of individual risks and of the particular plan of operation of such carrier; provided further that only one such plan for each form of insurance hereunder shall be approved for the same carrier."

#### Amendment No. 4.

Amend S. B. No. 415, Article 4862c, Section 1, by striking out the words "and/or Automobile" where they first occur in said section.

Amend the caption to conform hereto.

Committee Room,  
Austin, Texas, April 19, 1935.  
Hon. K. M. Regan, President Pro  
Tem of the Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred H. B.

No. 828, amending Article 7257 of the Revised Civil Statutes of Texas of 1925, providing additional duties of the Tax Assessor and Collector, requiring an entry upon the tax rolls when payment of taxes has been made; providing for a seal for this office, and prescribing that such entry shall be taken as evidence of the payment of said tax, and declaring an emergency, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

#### FIFTY-SECOND DAY.

Senate Chamber.

Austin, Texas,

April 20, 1935.

The Senate at 9:44 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent.

Redditt. Shivers.

Absent—Excused.

Davis. Hopkins.  
Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Woodruff.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

House Bill No. 456.

Pending business was the motion